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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/605,813

10/29/2003

Jetara McIver

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06/16/2004

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EXAMINER

CHEN, SOPHIA S

ART UNIT

PAPER NUMBER

2852

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/605,813

**Applicant(s)**

MCIVER ET AL.

**Examiner**

Sophia S. Chen

**Art Unit**

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-24 is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,12,25,29,34-36 and 41 is/are rejected.
- 7) ☒ Claim(s) 3-5,8-11,26-28,30-33,37-40 and 42-45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/17/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 206, 208, 210 (Figure 2). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to because of the following informality: Figure 3, reference numeral "338" (in the multi-level seal 316; both occurrences) should be "328". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities:
  - a. Paragraph [0018], line 7, "mag" should be "magnetic".
  - b. Paragraph [0018], line 20, "mag" should be "magnetic".
  - c. Paragraph [0021], line 10, "layer 324" should be either "slits 324" or "layer 322".
  - d. Paragraph [0021], line 12, "mag" should be "magnetic".

Appropriate correction is required.

***Claim Objections***

4. Claims 25-33 are objected to because of the following informality: Claim 25, line 7, "from" should be "form". Appropriate correction is required.

***Claim Rejections – 35 U.S.C. §102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 12, 25, 34, 35, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Shirai (U.S. Pat. No. 5,502,547).

The patent discloses a multi-level seal, a printer cartridge, or a method of making the multi-level seal, comprising: a first cartridge subassembly (a holder) 15; a second cartridge subassembly (a blade 11a and a blade support 11e); a multi-level seal C1 disposed between the first cartridge subassembly 15 and the second cartridge subassembly 11a and 11e; the multi-level seal C1 including: a first sealing portion 16a adapted to form a first seal between interfacing surfaces of the first cartridge subassembly 15 and the second cartridge subassembly 11a and 11e, and at least one other sealing portion 16b, 16c attached to the first sealing portion 16a and partially

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detached from the first sealing portion 16a to form at least a second seal between at least two other respective interfacing surfaces of the first cartridge subassembly 15 and the second cartridge subassembly 11a and 11e at a level different from the first seal (Figures 6 and 8); a plurality of attachment points to attach the at least one other sealing portion 16b, 16c to the first sealing portion 16a at predetermined locations (Figure 8); and the first and second subassemblies form a printer cartridge B when assembled with the multi-level seal C1 disposed therebetween to prevent leakage of toner at multiple interfacing surfaces at different levels between the first and second subassemblies 15, 11a, 11e (Figures 2 and 6).

7. Claims 1, 6, 7, 12, 25, 29, 34, 36, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Buchanan et al. (U.S. Pat. No. 6,487,383)

The patent discloses a multi-level seal, a printer cartridge, or a method of making the multi-level seal, comprising: a first cartridge subassembly (a frame member; column 6, lines 59-61); a second cartridge subassembly (a rotary member of the image forming apparatus; column 6, lines 59-61); a multi-level seal 70 disposed between the first cartridge subassembly and the second cartridge subassembly (column 6, lines 58-61); the multi-level seal 70 including: a first sealing portion 71 adapted to form a first seal between interfacing surfaces of the first cartridge subassembly and the second cartridge subassembly, and at least one other sealing portion 72 attached to the first sealing portion 71 and partially detached from the first sealing portion 71 to form at least a second seal between at least two other respective interfacing surfaces of the first cartridge subassembly and the second cartridge subassembly at a level different from

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the first seal (Figure 4); the first sealing portion 71 and the at least one other sealing portion 72 are formed from a single layer of a deformable material (foam or rubber; column 7, lines 10-40 and Figure 4); and the first and second subassemblies form a printer cartridge B when assembled with the multi-level seal 70 disposed therebetween to prevent leakage of toner at multiple interfacing surfaces at different levels between the first and second subassemblies (Figures 3 and 4).

### ***Allowable Subject Matter***

8. Claims 13-24 are allowed.
9. Claims 3-5, 8-11, 26-28, 30-33, 37-40, and 42-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not teach or suggest a multi-level seal comprising a plurality of slits formed through the layer of material to form a seal at different levels within an assembly.

### ***Other Prior Art***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

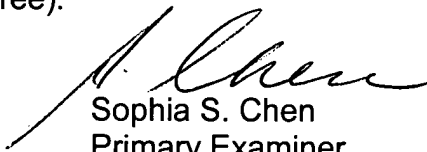
Baba et al. (U.S. Pat. No. 5,455,665) discloses an image forming apparatus comprising a seal having a slit.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sophia S. Chen whose telephone number is (703) 308-7617. The examiner can normally be reached on M-F (7:00-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (703) 308-1373. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sophia S. Chen  
Primary Examiner  
Art Unit 2852

Ssc  
June 14, 2004